

ARRAIGNMENT

*[Use this form **only** if (a) the defendant already has appeared in federal court in this district on this/these charge(s), (b) the defendant is charged in an indictment or information, and (c) the defendant's attorney is present in court with his/her client.]*

[Note: *If you have any doubts about the defendant's ability to speak and understand English, then consider using a certified interpreter in accordance with 18 U.S.C. § 1827. If a certified interpreter is used, then no record needs to be made about the interpreter's qualifications. Be sure to swear the interpreter.*]

1. "This is the case of the United States of America versus (*name of defendant*). You are (*defendant's name*)? I am (*state your name*)."
2. *[Tell the defendant]* "You've been charged in an indictment/information with

[Here are some examples.]

- (a) conspiracy to manufacture/distribute (*name of drug*)."
 - (b) possession of (*name of drug*) with the intent to distribute."
 - (c) unlawfully reentering the United States after you were deported."
 - (d) possession of a firearm after having been convicted of a felony."
 - (e) possession of a firearm while being an unlawful user of drugs."
 - (f) possession of a firearm after having been convicted of a domestic abuse charge."
3. "Do you have a copy of the indictment/information?" *[If not, make sure a copy of the indictment/information is provided to the defendant.]*
 4. "Are you correctly named in the indictment/information, with your name spelled correctly *[ask the following for Hispanic names only]* and in the correct order?"

5. “Would you like to have the indictment/information formally read to you on the record?” [*If “yes,” then go to paragraph 5(a). If “no,” then go to paragraph 5(b).*]
 - (a) [*If “yes,” then read the indictment/information to the defendant.*]
 - (b) [*If “no,” then ask defense counsel*] “Do you waive formal reading of the indictment/information?”
6. [*Ask the prosecutor*] “Would you advise the defendant of the statutory penalties that would apply to him/her if (s)he were to be convicted on this/these charge(s)?”
7. [*Ask the defendant*] “How do you plead to Count I?” (*Count II, etc.?*)
8. “Your plea(s) of not guilty is/are accepted. This case is scheduled for trial before the Honorable (*name of judge*) on (*date of trial*). Does the government wish to stipulate to the language in the standard discovery stipulation available in this district? Does the defendant also wish to stipulate to this language?” [*If “yes,” then go to paragraph 8(a). If “no,” then go to paragraph 8(b).*]
 - (a) [*If both say “yes,” then say*] “Very well, the court will enter Judge (*name of judge*)’s standard trial-setting order, with the standard discovery stipulation language included in the order.”
 - (b) [*If either says “no,” then say*] “Very well, the court will enter Judge (*name of judge*)’s standard trial-setting order, but without the standard discovery stipulation language. Discovery in this case will be governed by the Federal Rules of Criminal Procedure and federal statutory and case law concerning discovery.”

[*This would conclude the hearing*]